

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRYAN S. CONWAY, ) Case No.:  
 )  
 Plaintiff, )  
 )  
 v. ) COMPLAINT  
 )  
 BURLINGTON NORTHERN )  
 SANTE FE RAILWAY )  
 COMPANY, )  
 )  
 Defendant. )

COMPLAINT FOR DAMAGES UNDER  
THE FEDERAL EMPLOYERS LIABILITY ACT

THE PLAINTIFF ALLEGES FOR CAUSE OF ACTION:

I.

The jurisdiction of this Court is based upon the Federal Employers Liability Act, Title 45, U.S.C.A., Section 51 et. seq.

II.

That at all times material herein, Defendant was the owner of a railroad, together with its allied equipment and machinery, and was operating and maintaining its trains, tracks, shops and yards, in the State of Nebraska, and other States, and was so actively engaged as a common carrier in interstate commerce and transportation; and,

III.

That the Plaintiff was in the employ of the Defendant working within the course and scope of the employment, and that all or part of the Plaintiff's actions and duties were in compliance with and in furtherance of Defendant's business in interstate commerce; and,

IV.

That on or about March 24, 2004, in the course and scope of his employment as a conductor for the Burlington Northern Santa Fe Railroad at it's Lincoln, Lancaster County, Nebraska Hobson Yard, Plaintiff was caused to suffer injuries to his back and left hand, together with other parts of his body and all by reason of Defendant's violation of the Federal Employer's Liability Act; and

V.

That the Defendant was negligent in failing to comply with its statutory and nondelegable duty to:

- a. provide the Plaintiff with a safe place to work;
- b. provide safe and proper equipment to do the work;
- c. provide safe customs and practices to do the work;
- d. provide sufficient personnel and aid to do the work,

and together with other acts of negligence, Plaintiff was caused to be injured and suffer damages, as set forth;

VI.

That as a direct result of the Defendant's negligence, the Plaintiff has sustained damages for:

- a. permanent and disabling injuries, which deny the right to enjoy life, and the pursuit of happiness;
- b. expense for medical and hospital services, both for the past and the future;
- c. physical and conscious pain and suffering, both for the past and the future;
- d. wages, earnings, and fringe benefits, and the means of a livelihood both for the past and the future;

and all of the above being accumulative to Plaintiff's financial detriment and damages.

WHEREFORE, the Plaintiff prays for a money judgment against the Defendant for all damages suffered herein together with costs expended herein.

**REQUEST FOR JURY TRIAL**

Plaintiff requests Trial by Jury at Lincoln, Nebraska.

BRYAN S. CONWAY, Plaintiff

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